

**REMARKS**

We have carefully considered the Office Action dated May 14, 2004, in which claims 1-19 were rejected as anticipated and/or obvious. We have amended claim 1 to more particularly point out that the tip of the curette is detachable, and we have amended claim 17 to correct a typographical error. As discussed below, we contend that claims 1-19, as amended, are in form for allowance. Further, newly added claim 20 should also be in form for allowance.

The invention is a surgical instrument, namely, a curette with a replaceable tip. The inventive curette has a shaft with a distal end that includes a threaded indent that receives a threaded mating end of the tip. The indent is sized to receive both the mating end of the tip and epoxy that hardens to hold the threaded ends in place. The mating end of the tip includes one or more flattened sides that prevent relative rotation of the tip once the epoxy has hardened.

**Claim Rejections- 35 U.S.C. § 102**

Claims 1-4, 7-11, 13-16, and 19 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Butler, Jr. et al. (US 5,863,260) (“Butler” hereinafter).

Butler describes a golf club with a replaceable club head, that is, a type of sports equipment. Accordingly, the Butler golf club differs from the current surgical instrument in both the use of the assembled device and in the components that combine

to produce the device. Also, there is no teaching or suggestion in Butler that a surgical instrument designer or engineer would look to golf clubs to design a curette.

Further, even if a golf club with the replaceable club head could be used as prior art for a surgical instrument with a replaceable tip, Butler teaches away from the invention by teaching that attaching a replaceable golf club head to the golf club shaft using epoxy results in a **permanently assembled** club, that is, one in which the head is not replaceable (see, column 4, lines 19-24). Also, Butler teaches interconnecting the replaceable club head with the club shaft using a “device 40” that is **permanently attached** to a tip 30 of the club shaft using liquid epoxy (see, column 4, lines 25 et seq.; column 5, lines 8-37). With the device 40 permanently in place on the tip of the shaft, the user screws the device into a hostal 68 on the club head in a manner that “as the golfer strikes a ball, the impact tends to tighten the head 64 onto the device 40 thereby insuring that the club head is not loosened.” (column 6, lines 13-15) A lock/sealing solution is used to form a seal that is readily broken by reverse twisting, that is, unscrewing, the device 40 and the attached head (column 6, lines 12-24).

The Butler reference thus does not show, teach or suggest a connection between a **replaceable** golf club head and a club shaft that uses epoxy. Accordingly, Butler does not anticipate or make obvious the current invention as set forth in independent claims 1, 13 and 20 and the claims that depend therefrom because, *inter alia*, Butler does not show, teach or suggest using epoxy in a connection between a shaft and a replaceable tip.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1-4, 7-11, 13-16, and 19 were also rejected under 35 U.S.C. § 103(a) as being obvious over Zwick (US 4,777,947) (hereinafter “Zwick”) and knowledge in the art of epoxy use.

Zwick describes a curette with a disposable tip portion. The Zwick curette includes a hollow shaft 13, a handle 11 and a disposable tip 14. A spring loaded locking mechanism holds the tip 14 in place on the hollow shaft 13. The locking mechanism includes a threaded rod 16 that extends through the hollow shaft and engages a threaded well in the disposable tip. The end of the shaft and the tip are provided with cooperating notches and protrusions 23 to “prevent rotation.” (Column 2, lines 1-16).

As the Examiner states there is no teaching or suggestion in Zwick to use epoxy to aid in holding the disposable tip on the shaft. In fact, epoxy could not readily be used in combination with the Zwick curette because the heating required to soften the epoxy for tip removal presumably would adversely affect tissue that is retained in a well 26 in the disposable tip (see, column 2, lines 20-29).

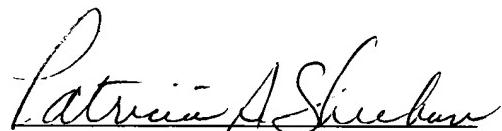
In addition, the particular features of the shaft and tip of the Zwick curette would not work as well with epoxy as the features of the current invention to prevent rotation. In particular, the cooperating notches and protrusions of Zwick would not work as well with the epoxy as the one or more flattened sides of the mating end of the tip of the current curette.

Thus, as set forth above, Zwick alone or in combination with knowledge about epoxy does not teach or suggest the current invention of independent claims 1, 13 and 20 and the claims that depend therefrom because, *inter alia*, Zwick does not teach or suggest using epoxy in a connection between a disposable tip and a shaft of a curette.

The claims should be in form for allowance and we respectfully request that the Examiner reconsider the rejections and issue a Notice of Allowance.

Please charge any fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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